IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4382 of 2004

DATE OF ORDER: 9.1.2007

Major Pitambhar Singh

...Petitioner(s)

Versus

HUDA and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Akshay Bhan, Advocate.

Mr. Gaurav Mohunta, Advocate.

M.M. AGGARWAL,J

This is petition against judgment dated 12.9.2002 passed by Additional District Judge, Hisar whereby appeal filed by the present petitioner against order dated 12.3.2001 passed by Civil Judge(Sr.Divn.), Hisar was dismissed.

Vide order dated 12.3.2001 passed by Civil Judge(Sr.Divn.), Hisar, an application under Order 39 Rules 1 & 2 CPC read with Section 151 CPC had been dismissed and that order had been upheld by Additional District Judge, Hisar.

Petitioners claim themselves to be owners of the land, which

was acquired by the respondents. Thereafter, petitioners claim one plot each as oustees.

On behalf of the respondents, it is stated that there was one holding of the petitioners and only one plot could be allotted and not four plots to each of the petitioners.

Case is pending trial in the trial Court since 2000. The plot has to be allotted at Hisar. The Haryana Urban Development Authority must have acquired much property at that place and must be having plots there to be allotted by way of auction or otherwise as per the policy.

Since the case is pending trial, it will not be proper for this Court to make any observation. For the time being, it will be proper for the respondent authorities to keep four plots reserved till pending final decision of the civil Court.

With this observation, petition is disposed of. Since case is pending trial since 2000, let trial Court make efforts to dispose of the case expeditiously preferably within a period of one year.

January 09, 2006 (M.M. AGGARWAL)
manoj JUDGE